

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ZACKERY CHRISTOPHER TORRENCE,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. 3:24-cv-05541-JCC-GJL

ORDER LIFTING STAY AND
DIRECTING ANSWER TO § 2254
PETITION

This matter is before the Court on referral from the District Court and on Petitioner's Motion to Lift Stay. Dkt. 14.

Petitioner Zackery Christopher Torrence, proceeding *pro se*, filed a habeas Petition pursuant to 28 U.S.C. § 2254 in July 2024. Dkts. 1, 6. On July 12, 2024, the Court entered an Order directing service of the habeas Petition. Dkt. 7. Before Respondent's Answer was due, Petitioner filed a Motion to Stay the Petition. Dkt. 9. In the Motion, Petitioner requested the Court stay his Petition while he exhausts "any and all appeal options." *Id.* On August 26, 2024, the Court granted Petitioner's request and stayed the case. Dkt. 13.

On August 30, 2024, Petitioner filed the instant Motion to Lift Stay. Dkt. 14. In the Motion, Petitioner asserts that his state court proceedings are no longer pending and requests the Court lift the stay of these proceedings. *Id.* Petitioner also states he wishes to proceed with

1 Grounds for Relief I–IV in his habeas Petition and attaches a Memorandum on those issues. Dkt.
2 14; Dkt. 15. Respondent has not opposed the Motion.

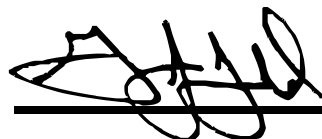
3 Upon review of the Motion to Lift Stay, the lack of opposition by Respondent, and other
4 relevant records in this case, the Court **GRANTS** the Motion to Lift Stay. Dkt. 14. Therefore, the
5 Court further **ORDERS**:

6 1) The Court accepts for filing Petitioner’s Arguments and Memorandum (Dkt. 15)
7 as a Memorandum filed in support of the habeas Petition (Dkt. 6).

8 2) Within **forty-five (45) days**, Respondent shall file and serve its Answer in
9 accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States District
10 Courts. As part of such Answer, Respondent shall state whether Petitioner has exhausted
11 available state remedies and whether an evidentiary hearing is necessary. Respondent shall not
12 file a dispositive motion in place of its Answer without first showing cause as to why an Answer
13 is inadequate. Respondent shall file the Answer with the Clerk of the Court and serve a copy of
14 the Answer on Petitioner.

15 3) The Answer will be treated in accordance with LCR 7. Accordingly, on the face
16 of the Answer, Respondent shall note it for consideration no earlier than 28 days after filing.
17 Petitioner may file and serve a response not later than 21 days after the filing date of the Answer,
18 and Respondent may file and serve a reply not later than 28 days after the filing date of the
19 Answer.

20 Dated this 26th day of September, 2024.

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23 Grady J. Leupold
24 United States Magistrate Judge